



**Michael J. Geraghty**  
973-645-4911  
[mgeraghty@saiber.com](mailto:mgeraghty@saiber.com)

July 6, 2011

**VIA ELECTRONIC FILING**

Honorable Michael A. Shipp, U.S.M.J.  
Martin Luther King, Jr., Federal Building  
and Courthouse  
50 Walnut Street  
Newark, New Jersey 07102

Re: The Port Authority of New York and New Jersey v. American Stevedoring, Inc.  
Civil Action No. 09-04299 (SRC) (MAS)

Dear Magistrate Judge Shipp:

On behalf of plaintiff Port Authority of New York and New Jersey (the “Port Authority”), I write to respectfully request that the Court grant the Port Authority an additional extension of the latest date to file its motion for summary judgment from July 8, 2011 to July 29, 2011. Pursuant to the Court’s text order, the date by which the Port Authority shall file its motion for summary judgment was extended to July 8, 2011. (D.E. 103). Your Honor expressly stated in the text order: “Absent extenuating circumstances, no additional extensions shall be granted.” For the reasons set forth below, we submit that extenuating circumstances exist for another brief extension. Janine G. Bauer, counsel for defendant American Stevedoring, Inc. (“ASI”) has consented to our request.

First, the Port Authority was required to produce additional documents to defendant American Stevedoring, Inc. (“ASI”) as a result of the Court’s Order dated April 12, 2011 (“Order”) clarifying the Court’s previous order compelling the Port Authority to produce documents responsive to ASI’s document request No. 36. Since receipt of the April 12 Order, the Port Authority has gathered and reviewed tens of thousands of documents that may have been responsive to the request. Because a number of those documents contained proprietary information relating to other tenants of the Port Authority, the parties engaged in discussions to protect against the improper use of such confidential information, which culminated in consent to an Amended Stipulation and Protective Order that we have filed with the Court for its consideration.

In the meantime, in order to maintain progress with its production of documents, on July 5, 2011, we sent Ms. Bauer two disks containing approximately 18,000 pages of documents responsive to Request No. 36 as limited by the Court, which Ms. Bauer intends to review.

Honorable Michael A. Shipp, U.S.M.J.  
July 6, 2011  
Page 2

Second, in June 2011, another action was commenced in the Eastern District of New York against ASI by Moran Towing Corporation (the “Moran Action”), a long time provider of tugboat services to two barges owned and supplied by the Port Authority to ASI and which are the subject of ASI’s counterclaim before this Court. In the Moran Action, the barges were arrested *ex parte* based on Moran’s complaint that ASI owes more than \$1.2 million in unpaid invoices for towing services performed for the barges and its assertion of maritime liens on the barges.

The Moran Action precipitated settlement discussions regarding the pending litigations between the Port Authority and ASI including this action. However, the Port Authority has now been forced to turn its attention to protecting the barges from arrest. In the Moran Action, there have been emergent filings most of this week that will be heard by the court in the Eastern District on Friday, July 8 and may be set down for an evidentiary hearing immediately thereafter. As counsel for the Port Authority in all of these matters, we have been compelled to direct our attention to the production of documents in this action and the rapidly evolving emergent proceedings in the Moran Action.

For the foregoing reasons, the Port Authority respectfully requests that the time for it to file a motion for summary judgment be extended until no later than July 29, 2011. If the Court grants our request, I respectfully request that it be so ordered.

I thank the Court for its consideration in this regard.

Respectfully submitted,

*/s/ Michael J. Geraghty*

MICHAEL J. GERAGHTY

MJG/sab  
cc: Janine G. Bauer, Esq. (via ECF)